

ZONING CHANGE REVIEW SHEET

CASE: C14-2022-0114 – Second Alpha .96

DISTRICT: 3

ZONING FROM: CS-NP

ZONING TO: SF-3-NP

ADDRESS: 2404 Thrasher Lane

SITE AREA: 0.961 acres
(41,861.16 square feet)

PROPERTY OWNER: Alpha Builders (Gino Shvetz)

AGENT: Bennett Consulting
(Rodney Bennett)

CASE MANAGER: Nancy Estrada (512-974-7617, nancy.estrada@austintexas.gov)

STAFF RECOMMENDATION:

The Staff recommendation is to grant family residence – neighborhood plan (SF-3-NP) combining district zoning.

PLANNING COMMISSION ACTION / RECOMMENDATION:

March 28, 2023:

February 28, 2023: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO MARCH 28, 2023*

[R. SCHNEIDER; P. HOWARD – 2ND] (11-0) Y. FLORES – ABSENT; ONE VACANCY ON THE DAIS

January 10, 2023: *APPROVED A POSTPONEMENT REQUEST BY THE NEIGHBORHOOD TO FEBRUARY 28, 2023*

[A. AZHAR; J. THOMPSON – 2ND] (11-0) P. HOWARD – ABSENT; ONE VACANCY ON THE DAIS

CITY COUNCIL ACTION:

March 23, 2023: *APPROVED a postponement request by staff to APRIL 13, 2023. VOTE: 11-0.*

February 9, 2023: *APPROVED a postponement request by staff to MARCH 23, 2023. VOTE: 11-0.*

ORDINANCE NUMBER:

ISSUES:

Due to scheduling conflicts, the Applicant intends to request postponement from February 28, 2023 to March 28, 2023.

Correspondence from the Montopolis Contact Team is attached at the back of this packet.

Natural Gas Pipeline on the Property

The Austin Fire Department (AFD) used the *Railroad Commission of Texas (TxRRC) GIS Viewer* to identify a 12.4-inch diameter natural gas pipeline owned by the Texas Gas Service close to the north side of the property. The pipeline is currently abandoned but could be returned to service at a future date. ***Please see Exhibit B - Texas Railroad Commission's GIS attributes table.*** If it were to be returned to service, that process would need to comply with 49 CFR Part 192, *Transportation of Natural Gas and Other Gas by Pipeline: Minimum Federal Safety Standards*.

AFD staff has reviewed the proposed rezoning request and did not find any hazardous materials of concern in the vicinity. The natural gas pipeline is not subject to the Hazardous Pipeline provisions in the city's Land Development Code. AFD has no regulatory authority for the operation or location of natural gas pipelines.

CASE MANAGER COMMENTS:

The subject rezoning area on the northwestern side of Thrasher Lane consists of an undeveloped, unplatted tract and is zoned general commercial services – neighborhood plan (CS-NP) district. There are single family residences to the north (SF-3-NP), and multifamily residences across Thrasher Lane to the east (CS-MU-NP), to the south (CS-NP), and at the terminus of Carson Ridge to the west (GR-MU-CO-NP). ***Please refer to Exhibits A (Zoning Map) and A-1 (Aerial Exhibit).***

The Applicant has filed a request to rezone the property to the family residence – neighborhood plan (SF-3-NP) district in order to build up to 10 residential units on the Property. The future land use map (FLUM) designates this property as “Commercial” and therefore requires a neighborhood plan amendment (NPA) to be considered with the rezoning request. An application to change the FLUM to “Single Family” was submitted on July 29, 2022 during the open filing period (NPA-2022-0005.02).

The SF-3 base zoning district allows for single family residences, two-family residences (one single family residence plus an accessory dwelling unit), or duplex residences on the property. The proposed rezoning would allow for up to five duplex residences, or five single family residence plus a second detached unit (a two-family residence, also known as an accessory dwelling unit) not to exceed 1,100 square feet or a floor-to-area ratio of 0.15, whichever is smaller. The detached unit is limited to 2 stories or 30 feet in height, and 550 square feet on the second story, if any. A subdivision of the property would be required.

BASIS OF RECOMMENDATION:

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The family residence (SF-3) district is the designation for a moderate density single-family residential use and a duplex use on a lot that is a minimum of 5,750 square feet. An SF-3

district designation may be applied to a use in an existing single-family neighborhood with moderate sized lots or to new development of family housing on lots that are 5,750 square feet or more. A duplex use that is designated in an SF-3 district is subject to development standards that maintain single-family neighborhood characteristics. The neighborhood plan (NP) district denotes a tract located within the boundaries of an adopted Neighborhood Plan.

2. *Zoning should allow for a reasonable use of the Property.*

Staff recommends the Applicant's request because the lot meets the intent of the SF-3-NP district as it fronts on a residential section of Thrasher Lane and a rezoning would be consistent with that established to the north and northeast of the Property.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|-------------|---------------------------|
| <i>Site</i> | CS-NP | Undeveloped |
| <i>North</i> | SF-3-NP | Single family residential |
| <i>South</i> | CS-NP | Multifamily residential |
| <i>East</i> | CS-MU-NP | Multifamily residential |
| <i>West</i> | GR-MU-CO-NP | Multifamily residential |

NEIGHBORHOOD PLANNING AREA: Montopolis

TIA: Is not required

WATERSHED: Carson Creek – Suburban

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

SCHOOLS:

Allison Elementary School Martin Middle School Eastside Memorial High School

COMMUNITY REGISTRY LIST:

299 – The Crossing Gardenhome Owners Assn. 511 – Austin Neighborhoods Council
 774 – Del Valle Independent School District
 1145 – Carson Ridge Neighborhood Association
 1227 – Montopolis Neighborhood Plan Contact Team (MNPCT)
 1228 – Sierra Group, Austin Regional Group
 1321 – Montopolis Tributary Trail Association
 1357 – Montopolis Community Alliance 1363 – SEL Texas
 1424 – Preservation Austin 1474 – East Riverside Corridor Staff Liaison
 1530 – Friends of Austin Neighborhoods 1550 – Homeless Neighborhood Association
 1616 – Neighborhood Empowerment Foundation 1774 – Austin Lost and Found Pets

AREA CASE HISTORIES:

| Number | Request | Commission | City Council |
|--|----------------------|--|--|
| C14-2017-0125 2514 Thrasher | CS-CO-NP to CS-MU-NP | Approved CS-MU-CO-NP; CO included a prohibition of residential use within the 1000 foot “Praxair Buffer”; access to Thrasher Lane was restricted to 300 trips and Right-of-Way dedication for the extension of Thrasher Lane required at the time of site plan. | Approved CS-MU-CO-NP; CO included a prohibition of residential units within an area as determined by AFD; a maximum of 300 trips per day and vehicular traffic associated with residential use of the property to/from Thrasher Lane is prohibited except for pedestrian, bicycle, and emergency ingress and egress. Access to the property for all vehicular traffic associated with a residential use shall be from other adjacent public streets or through other adjacent property (3/8/2018). |
| C14-2016-0113 2509 Montopolis Drive | CS-NP to CS-MU-NP | Approved CS-MU-CO-NP; CO was to prohibit dwelling units within 1000 feet of the northern boundary due to hazardous materials near the property. | Approved CS-MU-CO-NP and Commission recommended (6/22/2017). |
| C14-2016-0070 Thrasher Lane Lots 2500, 2508 & 2514 Thrasher Lane | CS-NP to CS-MU-NP | Approved CS-MU-CO-NP on Tract 1 and CS-CO-NP on Tract 2; CO included limiting site development standards to SF-6 if accessing Thrasher Lane, CS-MU development standards is allowed if vehicle access is not to Thrasher Lane and a maximum of 300 trips per day for Tract 1, and a set of prohibited land uses for both tracts. | Approved CS-MU-CO-NP on Tract 1 and CS-CO-NP on Tract 2; CO included a set of prohibited land uses, a maximum of 300 trips per day, and for any use on the property permitted in a district more intense than SF-6 vehicular access is prohibited on to or from Thrasher Lane and must be taken through other public streets or adjacent property (3/23/2017). |

| Number | Request | Commission | City Council |
|--|-------------------------------|--|--|
| C14-2015-0099 2407-2409 Montopolis Drive | CS-NP to CS-MU-NP | Approved CS-MU-CO-NP; CO was to prohibit a set of land uses. | Approved CS-MU-CO-NP as Commission recommended (12/10/2015). |
| C14-2011-0169 CSK Austin 7016 E. Ben White Boulevard | LI-NP and CS-NP to CS-MU-NP | Approved CS-MU-NP | Approved CS-MU-NP as Commission recommended (4/5/2012). |
| C14-2009-0092 Carson Ridge Development 6503 Carson Ridge | CS-NP to GR-MU-NP, as amended | Approved GR-MU-CO-NP; CO was to limit number of trips | Approved GR-MU-CO-NP as Commission recommended (1/28/2010). |

RELATED CASES:

NPA-2022-0005.02 – Second Alpha .96: This is the NPA case being considered with this rezoning application, from Commercial to Single Family.

C14-2021-0128 & NPA-2021-0005.01 – Alpha .95: The Applicant requested to rezone from CS-NP to CS-MU-NP, as amended. Staff recommended CS-MU-CO-NP with the -CO for a maximum of 10 residential units. The Applicant also requested to change the FLUM from Commercial to High Density Single Family for a townhouse development. Both the rezoning and the NPA cases were withdrawn by the Applicant prior to Planning Commission action on the cases.

C14-2017-0098 & NPA-2017-0005.03 (Affordable Dream Homes): The Applicant requested to rezone from CS-NP to CS-MU-NP. Applicant later amended their request to SF-5-CO-NP; the CO was to limit the number of units on site to a maximum of 10. Planning Commission approved SF-5-CO-NP; CO was to limit maximum number of units to eight, minimum of 10 feet between each building and to provide pedestrian and bicycle access to Carson Ridge Drive. This case was postponed at City Council twice and ultimately withdrawn by the Applicant.

C14-01-0060 (Montopolis Neighborhood Plan): This was the Montopolis Neighborhood Plan rezoning case (Ordinance No. 010927-28). This property's base zoning district was rezoned from SF-2 to CS-NP during this process.

EXISTING STREET CHARACTERISTICS:

| Street | ROW | Pavement | Classification | Sidewalks | Bike Route | Capital Metro (within ¼ mile) |
|---------------|-----|----------|----------------|-----------|------------|-------------------------------|
| Thrasher Lane | 64' | 30' | Level 2 | No | None | No |
| Carson Ridge | 78' | 33' | Level 1 | No | None | No |

ADDITIONAL STAFF COMMENTS:Drainage

The developer is required to submit a pre- and post-development drainage analysis at the subdivision and site plan stage of the development process. The City's Land Development Code and Drainage Criteria Manual require that the Applicant demonstrate through engineering analysis that the proposed development will have no identifiable adverse impact on surrounding properties.

Impervious Cover

The maximum impervious cover allowed by the *SF-3-NP* zoning district would be 45%, which is based on the more restrictive zoning regulations.

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. The site is in the Desired Development Zone.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

| <i>Development Classification</i> | <i>% of Gross Site Area</i> | <i>% of Gross Site Area with Transfers</i> |
|--|-----------------------------|--|
| Single-Family (minimum lot size 5750 sq. ft.) | 50% | 60% |
| Other Single-Family or Duplex | 55% | 60% |
| Multifamily | 60% | 70% |
| Commercial | 80% | 90% |

According to floodplain maps there is no floodplain within or adjacent to the project location.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment requires water quality control with increased capture volume and control of the 2-year storm on site.

At this time, no information has been provided as to whether this property has any preexisting approvals that preempt current water quality or Code requirements.

PARD – Planning & Design Review

Parkland dedication will be required for the new applicable uses proposed by this development, single family with SF-3 zoning, at the time of subdivision or site plan, per City Code § 25-1-601. Whether the requirement shall be met with fees in-lieu or dedicated land will be determined using the criteria in City Code Title 25, Article 14, as amended. PARD may consider a connection from Thrasher Lane to Carson Ridge to better connect to Carson Ridge Pocket Park off of Montopolis, should the site be suitable for such a connection. Should fees in-lieu be required, those fees shall be used toward park investments in the form of land acquisition and/or park amenities within the surrounding area, per the Parkland Dedication Operating Procedures § 14.3.11 and City Code § 25-1-607 (B)(1) & (2).

If the applicant wishes to discuss parkland dedication requirements in advance of site plan or subdivision applications, please contact this reviewer: thomas.rowlinson@austintexas.gov. At the applicant's request, PARD can provide an early determination of whether fees in-lieu of land will be allowed.

Site Plan and Compatibility Standards

This project will be subject to Subchapter F and will be reviewed by the Residential Review division.

Rezoning from CS-NP to SF-3-NP does not trigger the application of compatibility standards.

For duplex residential site plans, the applicable building standards are outlined below:
Breakdown by square footage for living area/garage/patio/porch is required on duplex.

Setbacks for duplex residential:

- Anything that juts more than 5 feet into a setback must be fireproofed. Standard side setback is 5 feet with a maximum allowable 2-foot overhang. The overhang cannot have any openings, soffit vents, windows, etc.

- Setbacks between buildings is 10 feet (5 feet on each side). Any encroachment into this setback must be fireproofed.
- Nothing can encroach into a 2-foot setback.

Site plans will be required for any new development other than single-family, two-family or duplex residential.

Airport Overlay

The site is located within the Austin-Bergstrom Airport Controlled Compatibility Land Use Overlay. No use will be allowed that creates electrical interference with navigational signals or radio communications between airport and aircraft, makes it difficult for pilots to distinguish between the airport lights and others, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, creates bird strike hazards or otherwise in any way endangers or interferes with the landing, taking off, or maneuvering of aircraft intending to use the Austin-Bergstrom Airport. Height limitations and incompatible uses with each Airport Overlay zone are established in the Airport Overlay Ordinance. *For a site plan*, Airport Hazard Zoning Committee review may be required prior to the Planning Commission hearing. Additional comments may be generated during the site plan review process.

Neighborhood Planning Area

This site is located in the Montopolis Neighborhood Plan. Please see the City's [Neighborhood Plans and Resources webpage](#) for a copy of the recommended design guidelines.

Austin Transportation Department – Engineering Review

The single family residence constructed in 2015 at the terminus of Carson Ridge and the multifamily residential project approved in mid-2014 and constructed to the east of the Thrasher Lane terminus present a challenge to making a planned connection through the subject tract. Austin Transportation Department staff is not requiring the dedication of Carson Ridge through the property with the rezoning case, although the alignment is still in the Austin Strategic Mobility Plan. ATD is still interested in looking at the possibility, although it is dependent on how the subject tract and the tract south of it redevelop.

Assessment of required transportation mitigation, including the potential dedication of right of way and easements and participation in roadway and other multi-modal improvements, will occur at the time of site plan application. A traffic impact analysis shall be required at the time of site plan if triggered per LDC 25-6-113.

The Austin Strategic Mobility Plan (ASMP) calls for 84 feet of right-of-way for Thrasher Lane. It is recommended that 42 feet of right-of-way from the existing centerline should be dedicated for Thrasher Lane according to the Transportation Plan with the first subdivision or site plan application [LDC 25-6-51 and 25-6-55].

Austin Water Utility

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by Austin Water for compliance with City criteria and suitability for operation and maintenance.

Based on current public infrastructure configurations, it appears that service extension requests (SER) will be required to provide service to this lot. For more information pertaining to the Service Extension Request process and submittal requirements contact the Austin Water SER team at ser@austintexas.gov.

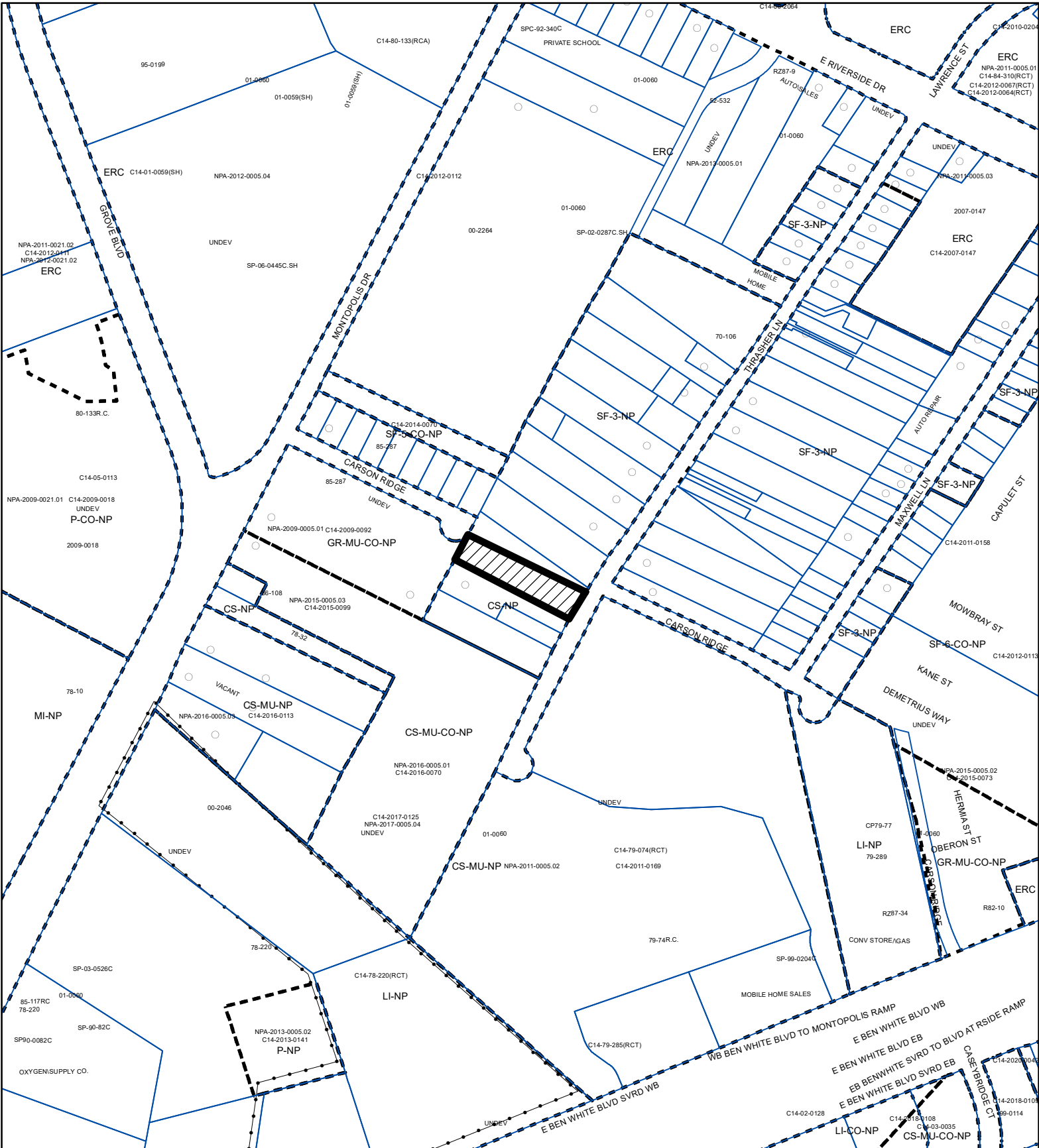
The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.




INDEX OF EXHIBITS AND ATTACHMENTS TO FOLLOW:

Exhibit A: Zoning Map
Exhibit A-1: Aerial Map

Texas Railroad Commission's GIS Attributes Table

Correspondence Received



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 400'

ZONING

ZONING CASE#: C14-2022-0114

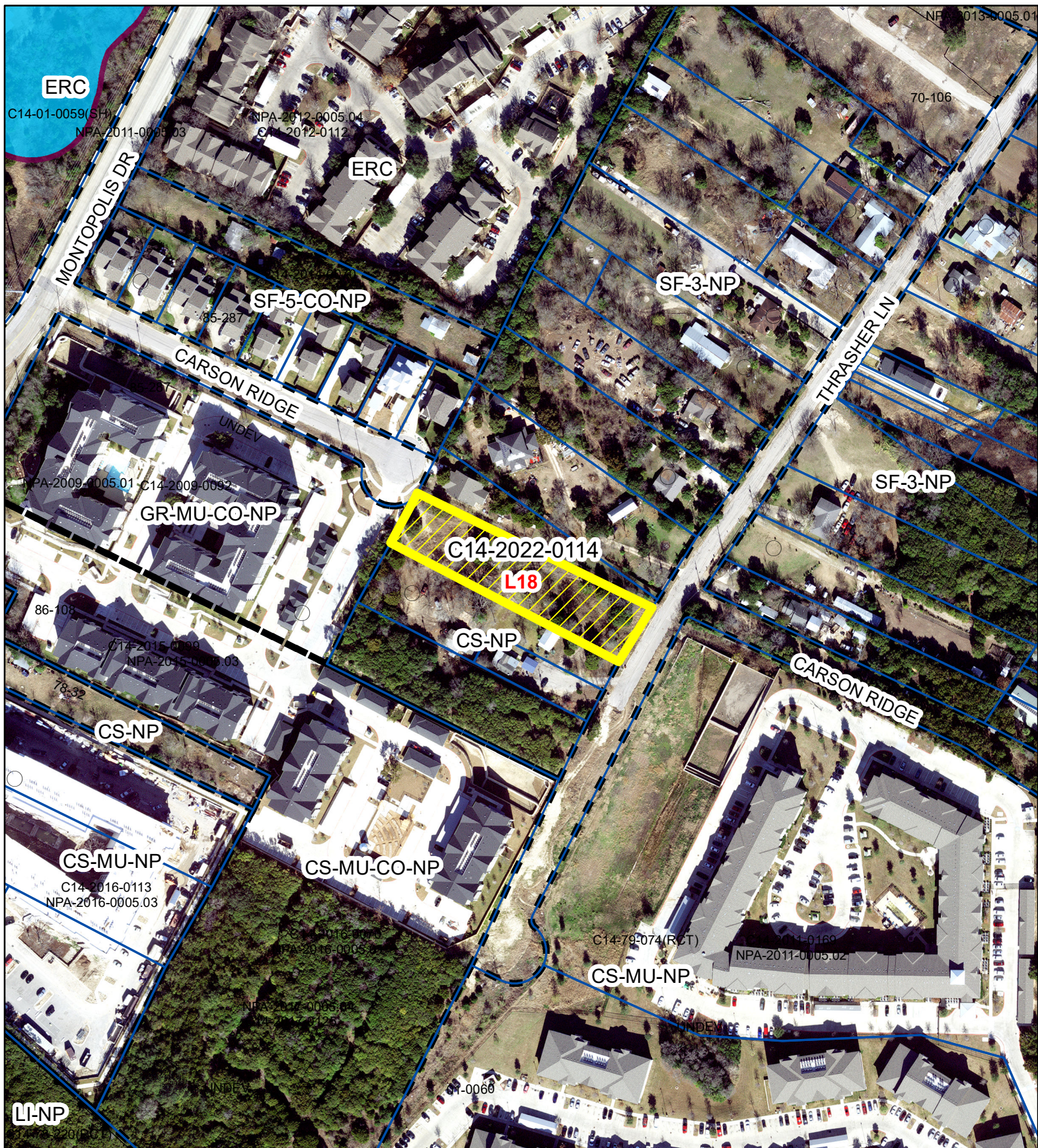
Exhibit A

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Housing and Planning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or

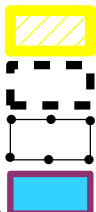


Created: 8/26/2022



Second Alpha .96

Exhibit A - 1



SUBJECT TRACT

ZONING BOUNDARY

PENDING CASE

CREEK BUFFER

ZONING CASE#: C14-2022-0114
 LOCATION: 2404 Thrasher Ln
 SUBJECT AREA: 0.961 Acres
 GRID: L18
 MANAGER: Wendy Rhoades



Created: 9/1/2022
 by: MeekSS

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1" = 200'

GIS Identify Results - Pipeline Attributes

| | |
|------------------------------|---------------------------------------|
| COUNTY_FIPS | 453 |
| OPERATOR | TEXAS GAS SERVICE COMPANY |
| COMMODITY DESCRIPTION | NATURAL GAS, TRANSMISSION |
| SYSTEM NAME | 9034 |
| SUBSYSTEM NAME | FROM #03883 CONVERTED TO DISTRIBUTION |
| DIAMETER | 12.75 |
| P5 NUMBER | 845951 |
| T4PERMIT | 06422 |
| T4PERMIT MILES | 12.11 |
| STATUS | Abandoned |
| INTERSTATE | No |
| CONTACT PHONE NUMBER | (512) 407-1529 |

From:
To: [Rhoades, Wendy](#); [Meredith, Maureen](#); [Rivera, Andrew](#); [Shaw, Todd - BC](#); [Hempel, Claire - BC](#); [Rodney K. Bennett](#); [Llanes, Carmen - BC](#); [Thompson, Jeffrey - BC](#); [Schneider, Robert - BC](#)
Cc:
Subject: 2404 Thrasher Lane C14-2022-0114 NPA-2022-0005.02 - MNPCT
Date: Tuesday, January 10, 2023 9:47:47 AM

*** External Email - Exercise Caution ***

Hello Planning Commissioners- The Montopolis Neighborhood Plan Contact Team does not oppose single family zoning in our community. The Contact Team has fought hard to protect and preserve single family zoning in our community, especially single family housing that is truly affordable. We recommend that some of the units being built at 2404 Thrasher Lane be affordable.

Montopolis is one of the neighborhoods that is within Project Connect's Anti-Displacement protection area. Montopolis is also a State designated Opportunity Zone Development area.

It cannot be stressed enough: the median family income for Montopolis is different from the MFI for Travis County. According to 2019 American Community survey data, the per capita income for Montopolis is \$20,859 and the median household income is \$42,344. Our overall poverty rate is 26.4%, our childhood poverty rate (under 18) stands at 30%, and the poverty rate for seniors (over 65) is 32%. These numbers reflect increases in both population and income caused by already occurring gentrification. The construction of rental housing at 60% MFI and ownership housing at 80% MFI will just exacerbate displacement and gentrification.

Stop the Displacement,
Susana Almanza, President Montopolis Neighborhood Plan Contact Team

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PODER
P.O. Box 6237
Austin, TX 78762-6237
www.poderaustin.org

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From:
To:
Cc: [Meredith, Maureen](#); [Rhoades, Wendy Rivera, Andrew](#)
Subject: RE: Thrasher - Items 22 and 23
Date: Tuesday, January 10, 2023 2:46:24 PM

*** External Email - Exercise Caution ***

Yes, I agree with this and request the additional postponement to 03/14/23.

Sara Souerbry

From: Rodney K. Bennett
Sent: Tuesday, January 10, 2023 2:27 PM
To: Meredith, Maureen <maureen.meredith@austintexas.gov>; Rhoades, Wendy <wendy.rhoades@austintexas.gov>
Cc: Rivera, Andrew <andrew.rivera@austintexas.gov>
Subject: Re: Thrasher - Items 22 and 23

I am fine a postponement to Feb 28th and a subsequent postponement. Ms Souerbry, if you agree, I will make this the request to postpone until 2-28-23 and you can then ask for an additional postponement to 3-14-23.

Thank you,

Rodney K. Bennett
Bennett Consulting
529 Evening Star
Kyle, Texas 78640
Rodney 512-627-7227

On Tuesday, January 10, 2023 at 02:17:10 PM CST, Rhoades, Wendy <wendy.rhoades@austintexas.gov> wrote:

The latest date for postponement would be February 28th. March 7th is a Zoning and Platting Commission date and the first Planning Commission date during the month of March is the 14th which exceeds the 60-day postponement limit established for rezoning cases. The case can be postponed to February 28th with additional postponements sought at that time.

Wendy

From: Rodney K. Bennett
Sent: Tuesday, January 10, 2023 2:02 PM
To: Rhoades, Wendy <Wendy.Rhoades@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>;
Subject: Thrasher

*** External Email - Exercise Caution ***

Good afternoon ladies. Ms. Souerbry and I have been in discussion via email concerning the postponement. She has a prior engagement on February 28th and has suggested the next available hearing date on March 7th. I will not object to this.

Ms. Souerbry, please be willing to share with me your company's plan for the adjacent tract so that I might find some middle ground between the two owners and this case can move forward. Once you feel better, please let's have a discussion.

Thank you,

Rodney K. Bennett
Bennett Consulting
529 Evening Star
Kyle, Texas 78640
Rodney 512-627-7227

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From: [Rodney K. Bennett](#)
To: [Estrada, Nancy](#); [Meredith, Maureen](#); [Rivera, Andrew](#)
Cc:
Subject: Thrasher Zoning Postponement
Date: Monday, February 27, 2023 4:20:58 PM

*** External Email - Exercise Caution ***

Good afternoon everyone. In regards to the postponement discussion, Ms. Souerbry has indicated a concern to me regarding the number of commissioners in attendance at the March 14th hearing. She has suggested an alternate date of March 28. With that said, we respectfully request the case be heard on March 28th.

Thank you,

Rodney K. Bennett
Bennett Consulting
529 Evening Star
Kyle, Texas 78640
Rodney 512-627-7227

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